

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
CIVIL DIVISION

JAMES STEWART,	}	
ON BEHALF OF HIMSELF AND	}	
ALL OTHERS SIMILIARLY SITUATED,	}	
	}	
Plaintiff,	}	Civil Action, File No.
v	}	2:17-cv-02745-JS-SIL
	}	
SELIP & STYLIANOU, LLP,	}	
	}	
Defendant.	}	

OBJECTIONS TO BILL OF COSTS

Defendant believes that the Clerk of the Court erred in taxing costs for the following reasons:

1. Local Civil Rule 54.1.(a) requires any party seeking to recover costs to file a notice of taxation of costs indicating the date and time of taxation which shall comply with the notice period prescribed by Fed. R. Civ. P. 54, and annexing a bill of costs. Local Rule 54.1 further provides that “[a]ny party failing to file a notice of taxation of costs within the applicable thirty (30) day period will be deemed to have waived costs.” While Plaintiff filed a Bill of Costs on October 19, 2018, Plaintiff never filed a notice of taxation of costs indicating the date and time of taxation. For this reason, Defendant never filed a response to the Bill of Costs. Since the Judgment was entered on September 30, 2018, it now is past the time by which Defendant was required to file a notice of taxation of costs.
2. Local Civil Rule 54.1.(a) also requires any party seeking costs to file along with a bill of costs an affidavit with supporting exhibits. Plaintiff did not file the affidavit or supporting exhibits within the required 30 day period.

3. Local Civil Rule 54.1.(c) 2. Allows the Clerk to tax the cost of a deposition only if “used by the Court in ruling on a motion for summary judgment or other dispositive substantive motion.”

Local Civil Rule 54.1.(c) 2. Also provides that “[c]osts for depositions taken solely for discovery are not taxable.” The court did not use the deposition transcript to rule.

Dated: December 11, 2018

/s/

Mitchell L. Pashkin, Esq. (MLP-9016)

Attorney For Plaintiff

775 Park Avenue, Suite 255

Huntington, NY 11743

(631) 335-1107